

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING
City of St. George Council Chambers
175 East 200 North
St. George, Utah 84770
March 17, 2003
1:30 PM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Robert G. Adams	Ray Child
Nan Bunker	Mayor Doug Thompson
Mayor Joe Piccolo	J. Ann Wechsler
KC Shaw	Bill Williams
Neil Kochenour	

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Faye Bell, Fred Pehrson, Jay Pitkin, Kim Shelley, Harry Campbell, Walt Baker, Tim Beavers, Bill Moellmer, Ed Macauley, Harry Judd, Wayne Thomas

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Thomas L. Herbert	E.A. Miller
Glen Jones	TW Company
Kevin Maughan	Hyrum City Corp
Rick Davis	West Point City
John Petroff Sr	West Point City
Doug Nielsen	Sunrise Engineering
Alden C. Robinson	Sunrise Engineering, Inc.
Tim Jones	Jones & DeMille Engineering
Rick Frederickson	Moroni City
Scott Robertson	Moroni City
Darwin Hall	Ash Creek SSD & Rural Water
Terral Dunn	Rural Water Association of Utah
Scott Rogers	Aqua Engineering

Chairman Shaw called the Board meeting to order at 1:35 PM. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE JANUARY 17, 2003 MEETING

Action Taken: It was moved by Mayor Thompson, seconded by Ms. Bunker and unanimously carried to approve the minutes of the January 17, 2003 meeting as written. Ray Child abstained since he wasn't at the January Board meeting.

Report on 3-Board Meeting on Water Project funding:

Mr. Shaw noted that following the January 17, 2003 meeting with the Governor it was agreed that members representing the Water Quality Board, Drinking Water Board and Board of Water Resources would meet to discuss other funding options. Representing the Water Quality Board were, Ray Child, Ron Sims, KC Shaw and Don Ostler. The Chairman of the Board of Water Resources volunteered to write a letter to the Governor outlining the group's viewpoints, listing 10-12 issues of concern. They expressed that Utah needed to move in the direction of water reuse. It was also recommended that the Governors Office should form a Water Advisory Committee, including representatives from these three Boards, to advise him on water issues. Mr. Child commented that he felt it was an excellent opportunity to exchange ideas. He didn't feel the group could add anything to the matrix of the ideas for funding that was presented by the Task Force and endorsed their findings. Mr. Shaw noted the letter mentioned had not been completed at this time, but is assured it soon will.

PERMITTING ISSUES:**Approval of an extension to the compliance deadline for attainment of Water Quality**

Standards for E.A. Miller: Mr. Campbell introduced Tom Herbert and Scott Rogers from EA Miller, Inc., of Hyrum, Utah and their engineering consultant, Scott Rogers of Aqua Engineering. Spring Creek in Cache County has been identified by DWQ as not supporting its beneficial use requirements for the numeric criteria associated with total phosphorus and ammonia. The Spring Creek TMDL has been finalized and allocates loads for all point sources in the drainage. As a result, E.A. Millers permit will be opened and modified to include, for the first time, effluent limitations for phosphorous and ammonia. E.A. Miller will require sufficient time to properly plan, design and construct additional treatment units. Staff believes it is reasonable for E.A. Miller to request March 1, 2006 as a final compliance date with the new phosphorus, ammonia and TDS effluent limits and asks that it be approved.

Motion: Mr. Adams moved that the Board approve the staff's recommendation. The motion was seconded by Ms. Bunker and Mr. Williams and was unanimously approved by the Board.

Approval of an extension to the compliance deadline for attainment of Water Quality

Standards for Hyrum City: Ms. Shelley introduced Kevin Maughn of Hyrum and Scott Rogers from Aqua Engineering. Like E.A. Miller, Hyrum City's permit will be opened and modified to include effluent limitations for phosphorous and ammonia. Hyrum City is requesting a 25 month extension for compliance with the new phosphorus, ammonia and TRC effluent limits in accordance with UAC R317-1-3. Hyrum City will need sufficient time to properly design and construct needed treatment units. Staff believes that it is reasonable for Hyrum City to request an extension until June 30, 2005 to comply with the new phosphorus, ammonia and TRC effluent limits.

Motion: Mayor Thompson moved that the Board approve the staff's recommendation. The motion was seconded by Mayor Piccolo and was unanimously approved by the Board.

ENFORCEMENT UPDATE:

Geneva Steel settlement agreement: Ms. Shelley explained a Notice of Violation (NOV) was issued to Geneva Steel on November 14, 2002 for Total Suspended Solids (TSS) effluent violations that occurred March through September 2002 at outfall 001 which discharges from the final retention pond to Utah Lake. All parties involved have agreed that a penalty is not warranted for the violations addressed in the NOV. The basis for the decision is the fact that

while Geneva's discharge from Outfall 001 did exceed TSS concentration limits, it was due to abnormal algae growth in the final retention pond and was not caused by solids associated with the steel production process since the plant is idled and not producing steel. A letter was sent to Geneva on February 18, 2003, summarizing the decision and also requiring Geneva to evaluate addition options to avoid future effluent violations. The settlement agreement is currently out for public comment, which ends March 26, 2003.

LOAN PROGRAM

Financial Assistance Status Report – Mr. Baker updated the Board on the “Summary of Assistance Program Funds” as outlined under Tab 4.1.

Moroni City (1st Hearing) – Mr. Beavers introduced Scott Rogers from Aqua Engineering, Tim Jones with Jones & DeMille Engineering and Rick Frederickson, Scott Robertson, of Moroni City and Dave Bailey of Moroni Feed. Moroni City is requesting financial assistance in the amount of \$2,635,000 for the design and construction of a treatment facility upgrade capable of meeting its UPDES discharge limits and for the replacement, repair and minor expansion of its wastewater collection system. The existing wastewater collection and treatment system was constructed in 1975 and was built mainly to treat wastewater from the turkey plant and treat municipal waste from the City. In 1990 and 1992, Moroni City received two Administrative Orders from the Utah Division of Water Quality for violating its discharge permit requirements. These were subsequently resolved, fines were levied and operational changes occurred at the treatment plant. The operation and maintenance of the treatment plant was turned over to Moroni Feed Company, while still being owned by Moroni City. The treatment facility has had difficulties over the past 10 to 12 years staying in compliance with its discharge permit limits.

West Point City (ACTION ITEM) – Mr. Macauley introduced Rick Davis and John Petroff from West Point City. West Point City is requesting a Planning Advance in the amount of \$19,000 for completion of its Phase II Storm Water Management Plan and determination of water quality goals and infrastructure requirements. The project is being driven by West Point City's realization that development has contributed to a change in the storm water runoff pattern that needs to be addressed through a combination of appropriate planning for future development and construction of major conveyance facilities to address current needs. Staff recommends that the Water Quality Board authorize a \$19,000 Planning Advance to West Point City for this planning study.

Motion: Mayor Piccolo moved that the Board approve the staff recommendation. The motion was seconded by Ms. Wechsler and was unanimously approved by the Board.

RULE CHANGES AND STAFF REPORTS:

Request for Board approval to take proposed changes to R317-2, Water Quality Standards, to public comment (ACTION ITEM): Mr. Moellmer presented to the Board the proposed changes to R317-2. EPA has long urged the State to adopt a more comprehensive implementation procedure that would include a more high quality waters and require a justification for new discharges into those waters. Staff is now proposing to expand the evaluation for possible anti-degradation reviews (ADR) to all waters of the state. For those actions which require an ADR, there will have to be a justification that the lowering of water quality is justifiable based on social and economic considerations, and that other less degrading alternatives are not reasonably available.

Motion: Ms. Bunker moved that the Board approve the staff recommendation to take the proposed changes to public comment. The motion was seconded by Mr. Adams and was unanimously approved by the Board.

Report on 2003 Legislative Session: Mr. Ostler gave a brief report on the past Legislative Session and it's impact on the Division of Water Quality.

Request for Board approval to take proposed changes to R317-1-4, (Wastewater Reuse), to public comment (ACTION ITEM): Mr. Pitkin explained that staff is proposing a slight modification to R317-1.4, Utilization and Isolation of Domestic Wastewater Treatment Works Effluent, which contains the requirements for wastewater reuse. One section of the rule requires the issue of water rights to be addressed in the reuse project plan. The proposed revision to the rule is as follows: Evidence that the State Engineer has agreed that the proposed reuse project planned water use is consistent with the water rights for the sources of water comprising the flows to the treatment plant which will be used in the reuse project”.

Motion: Ms. Bunker and Dr. Kochenour moved that the Board approve the staff recommendation to take the proposed changes to public comment. The motion was seconded by Mr. Child and Dr. Kochenour and was unanimously approved by the Board.

NEXT MEETING

The next Water Quality Board meeting will be held on May 16, 2003 at Utah State University, Utah Water Research Lab Room 301, in Logan, Utah beginning at 9:30 a.m.

K. C. Shaw, Chairman